

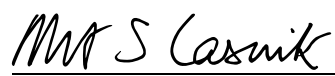
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DARRYL WILLIAM YOUNG,)	
)	
Petitioner,)	CASE NO. C05-1746-RSL-MJB
)	
v.)	
)	
ROB MCKENNA, <i>et al.</i> ,)	ORDER DISMISSING § 2254 PETITION
)	
Respondents.)	
_____)	

The Court, having reviewed petitioner's petition for a writ of habeas corpus, respondents' motion to dismiss, petitioner's motion to strike the motion to dismiss, respondents' response to the motion to strike, the Report and Recommendation of the Honorable Monica J. Benton, United States Magistrate Judge, any objections thereto, and the balance of the record, does hereby ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Respondents' motion to dismiss (Doc. #12) is GRANTED. Petitioner's petition (Doc. #8) is DISMISSED for lack of jurisdiction. *See* 28 U.S.C. § 2244(b)(1).
- (3) Petitioner's motion for summary judgment (Doc. #13) is DENIED as moot.
- (4) The Clerk is directed to send a copy of this Order to petitioner, to counsel for respondent, and to Judge Benton.

DATED this 6th day of March, 2006.


Robert S. Lasnik
United States District Judge